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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re T.P., a Person Coming Under The
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

T.P.,

Defendant and Appellant.

F057681

(Super. Ct. No. JJD058248)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Valeriano Saucedo, Judge.

Rudy Kraft, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Michael P. Farrell, Assistant Attorney General, David A. Rhodes, and Janis Shank McLean, Deputy Attorneys General, for Plaintiff and Respondent.

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*Before Levy, A.P.J., Cornell, J., and Dawson, J.

INTRODUCTION

Between 2006 and 2009, six petitions were filed pursuant to Welfare and Institutions Code section 602 alleging appellant, T.P., committed felonies and misdemeanors. On May 7, 2009, the juvenile court conducted a disposition hearing in which it committed appellant to the Youth Correctional Center Unit and determined his maximum term of confinement at eight years. Appellant contends, and respondent concedes, that appellant's maximum term of confinement is seven years four months. We agree and will reverse the juvenile court's order setting the maximum term of confinement.

STATEMENT OF CASE

On March 10, 2006, appellant admitted allegations that he committed one felony count of vandalism and three misdemeanor counts of vandalism (Pen. Code, § 594, subd. (a)).¹ Appellant's maximum term of confinement on the felony count is three years. His maximum term of confinement for each misdemeanor count is four months for a total maximum term of confinement of four years.

On April 28, 2008, appellant admitted new allegations that he feloniously received a motor vehicle (§ 496d, subd. (a)) and resisted arrest, a misdemeanor (§ 148, subd. (a)(1)). Appellant's maximum term of confinement for the felony is eight months and four months for the misdemeanor. An additional one year was added to appellant's maximum term of confinement.

On June 9, 2008, appellant admitted new allegations that he committed misdemeanor burglary (§ 459) and violated his probation. An additional four months were added to appellant's maximum term of confinement. On October 14, 2008, appellant admitted a misdemeanor allegation that he escaped from a juvenile facility (Welf. & Inst. Code, § 871, subd. (a)). An additional four months was added to appellant's maximum term of confinement.

¹ Unless otherwise indicated, all statutory references are to the Penal Code.

On January 5, 2009, the juvenile court sustained allegations that appellant feloniously concealed a dirk or dagger (§ 12020, subd. (a)(4)) and tampered with a fire alarm, a misdemeanor (§ 148.4, subd. (a)). This added one year to appellant's maximum term of confinement.

On February 18, 2009, appellant admitted an allegation that he committed misdemeanor battery against a custodial officer (§ 243.1). This added four months to appellant's maximum term of confinement. On April 20, 2009, appellant admitted an allegation of misdemeanor vandalism (§ 594, subd. (a)). On May 7, 2009, the juvenile court ordered appellant's commitment to the Youth Correctional Center Unit and found his maximum term of confinement was eight years.

MAXIMUM TERM OF CONFINEMENT

The parties concur that the juvenile court erred in setting the maximum term of confinement at eight years because the total aggregate time of confinement should have been seven years four months. The total aggregate commitment time on appellant's petitions are as follows: four years on the first petition, one year on the second petition, four months on the third petition, four months on the fourth petition, one year on the fifth petition, four months on the sixth petition, and four months on the seventh petition.²

DISPOSITION

The juvenile court's order setting appellant's maximum term of confinement at eight years is reversed. On remand the court is directed to vacate this order and to set appellant's maximum term of confinement at seven years four months. The remaining orders of the juvenile court are affirmed.

² The juvenile court selected appellant's adjudication for felony vandalism in 2006 as the principal term. All subsequent adjudications were subject to a sentencing calculation of one-third the midterm. The misdemeanor adjudications were calculated at one-third of a year, or four months each (see § 1170, subd. (a) & Welf. & Inst. Code, § 726, subd. (c)).